

Lilligren

Amending Title 17, Chapter 455 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: Block Events.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 455.10 of the above-entitled ordinance be amended by adding thereto the following definitions in alphabetical sequence, as follows:

455.10. Definitions. As used in this chapter:

(o) Chief of police is the chief of the Minneapolis Police Department, or the police chief designee.

(p) Director of public works is the director of the Minneapolis Department of Public Works and Engineering, or director of public works designee.

(q) Block event barricade shall mean a barricade which meets the specifications set by the department of public works, or, in the case of residential events only, a barricade or yellow tape of a type approved by the department of public works and/or signage which is displayed in a manner specified by the department of public works.

Section 2. That Section 455.15 of the above-entitled ordinance be amended to read as follows:

455.15. Permit required. No person shall engage in, participate, aid, form or hold any block event, unless a permit therefor shall have been obtained from the city as herein provided. A block event permit is valid only for the date specified, except that a block event may, because of weather, be postponed to the next day upon the written approval of the director of public works or ~~his/her~~ director of public works designee.

Section 3. That Section 455.20 of the above-entitled ordinance be amended to read as follows:

455.20. Application process. ~~Filing:~~ (a) Filing of application for permit. For calendar year 2003 only, ~~A~~ a person seeking issuance of a block event permit shall file an application with ~~the city clerk~~ city council staff in person, electronically, by facsimile, or by United States mail on forms provided by ~~such officer the city.~~ Residential area events or events pursuant to section 455.35(c)(2) shall be filed in person, electronically, by facsimile, or United States mail ~~or postmarked not less than fourteen (14) days before the proposed date of the event.~~ An application for a block event in the central business district or neighborhood business district shall be filed in person, electronically, by facsimile, or ~~postmarked not less than thirty (30) eleven (11) days before the proposed date of the event.~~

(b) Deadlines for application; fees for permit.

- (1) ~~Fees:~~ Fees for Residential area events and events pursuant to 455.35(c)(2) are based upon the date filed in person, electronically, by facsimile, or postmarked as follows:

Thirty-five (35) days or more prior to the event, fifteen dollars (\$15.00);	<u>\$25.00</u>
Twenty-two (22) to thirty-four (34) days, twenty five dollars (\$25.00);	<u>\$40.00</u>
fourteen (14) Fifteen (15) to twenty-one (21) days, thirty dollars (\$30.00);	<u>\$60.00</u>
<u>Seven (7) to fourteen (14) days</u>	<u>\$160.00</u>
<u>Four (4) to six (6) days</u>	<u>\$200.00</u>

- (2) Fees for a central business district or neighborhood business district are based upon the date filed in person, electronically, by facsimile, or postmarked as follows:

Forty-five (45) days or more prior to the event, one hundred dollars (\$100.00);	<u>\$200.00</u>
Thirty (30) to forty-four (44) days, one hundred fifty dollars (\$150.00);	<u>\$250.00</u>
<u>Twenty nine (29) to twenty (20) days</u>	<u>\$350.00</u>
<u>Eleven (11) to nineteen (19) days</u>	<u>\$400.00</u>

(3) ~~The city clerk~~ City council staff shall accept the permit fee which that is not refundable. Payment is due at the time of application, but in the case of applications made electronically or by facsimile, payment and original affidavit must be received within three (3) days of the electronic or facsimile submission of the application. The increase of fees shall become effective January 1, 1995, following reasonable notification by the city June 15, 2003. ~~In 1994, residential block event fees will be fifteen dollars (\$15.00) and filed or postmarked no less than fourteen (14) days before the proposed date of the event and central business district or neighborhood business district fees will be one hundred dollars (\$100.00) and shall be filed or postmarked not less than thirty (30) days before the event.~~

~~Approvals: The application for residential and business district block events shall be referred to the director of public works and the council member of the ward wherein the block event is to be held; the application for business district block events shall also be referred to the chief of police. If alcoholic beverages are to be sold at the block event, the application shall also be reviewed by the police license division and the division of licenses and consumer services.~~

~~The director of public works, the chief of police and the appropriate elected official shall examine the business district block event application, and the director of public works and the appropriate elected official shall examine the residential block event application, and shall approve the same unless they find it is found that the application fails to meet the applicable requirements contained in section 455.25 or 455.35 or if there is a basis for denying the application under section 455.30. If the appropriate city officers approve the application, the city clerk shall issue the permit.~~

(c) Approval of block event permit. Prior to approval or denial of the permit, city council staff will refer the block event permit application to the following:

(1) The director of public works for all applications.

(2) The chief of police for central or neighborhood business district block event applications.

(3) The police license inspection division and the division of licenses and consumer services if the application states that wine, intoxicating malt beverages or non-intoxicating malt beverages will be sold. The divisions will report any findings concerning the applicant to The chief of police and the director of public works.

The chief of police, for a business block event permit application, and the director of public works, for all applications, shall review the application and determine if the application meets the requirements of this chapter, or if there is a basis for denial of the permit under section 455.30 of this chapter. If an official denies an application, the reasons for denial shall be made in writing. Upon approval of these officials, city council staff shall issue the permit.

(d) Notification of council member(s). Immediately upon receipt of a block event application, city council staff receiving the application shall forward a copy of the application to the council member(s) in whose ward(s) the event is proposed to take place. Such council member(s) may offer written comments to the director of public works concerning whether the application is in compliance with the provisions of this chapter, or if there is a basis for denial under section 455.30.

(e) Appeals:

(1) Appeal to city council. If the application is not approved by ~~all three (3) the officials indicated above~~ within five (5) days of its filing (excluding Saturdays, Sundays and holidays) or if ~~written objection thereto is made by the official disapproving the application,~~ the application is denied by any of the officials, or the official's designee, ~~city clerk city council staff~~ shall upon request by applicant thereupon refer the application to the appropriate committee which shall make its recommendations concerning the application to the full city council. The city council shall have the authority to consider any application which lacks approval of the director of public works, or the chief of police, ~~or the appropriate elected official,~~ or which has not been timely filed.

(2) Judicial review. If the appeal is denied by the city council, the applicant may immediately seek such judicial review as permitted by law.

(e) Notification of issuance of permit. Upon the issuance of the block event permit, ~~the city clerk city council staff~~ shall immediately so advise the chief of police, chief of the fire department, the director of public works, the director of licenses and consumer services of the city, and the council member of the ward affected.

Section 4. That Section 455.25 (c), (f), (h) and (i) of the above-entitled ordinance be amended to read as follows:

455.25. Conditions of application. An application for a block event shall be executed by the applicant, or applicants, who shall each therein certify:

(c) In the case of a residential block event, the application must be accompanied by a ~~petition document~~ containing ~~signatures~~ names and addresses representing seventy-five (75) per cent of the households on the block or blocks abutting the street approving the event, and an affidavit by the applicant affirming that the residents and addresses on the petition have agreed to the event and

represent a minimum of seventy-five (75) percent of the households on the block or blocks abutting the street approving the event.

(f) In the case of all block events, the applicant will, without expense to the city, immediately clean up, remove and dispose of all litter or material of any kind associated with the event which is placed or left on the street or sidewalk of the block(s) on which the event is held; and also on any of the immediately adjacent blocks. If the applicant neglects or fails to cleanup within the three-hour period immediately following the end of the block event, or if cleanup is done in an inadequate manner, the ~~city engineer~~ director of public works is authorized to do the cleanup and the applicant shall be charged for said cost.

(h) The applicant will be responsible for the placement, maintenance and removal of block event barricades, which in the case of a ~~residential area block event shall be provided free of charge by the city at the location of such block event, and which in the case of a~~ business district block event shall be provided by the applicant at the applicant's own expense. For residential block events only, yellow tape and/or signage will be available to the applicant upon presentation of a valid residential block event permit to a city fire station or local neighborhood association office or barricades provided by Public Works. The applicant must attach the block event permit and/or official signage closing the street in a manner specified by the department of public works.

(i) The block event is in no way a commercial promotion or activity and the overall purpose of the ~~license~~ permit shall be to enhance the stated purpose of the applicant organization and no private organizer or promoter shall derive excessive profits from the event. The ~~director~~ city may require presentment of the ~~licensee's~~ permit holder's books of account to aid in the determination of compliance with this section.

Section 5. That Section 455.30 of the above-entitled ordinance be amended to read as follows:

455.30. Basis for denial. An application for a block event permit may be denied only if:

(a) The application does not comply with applicable requirements of this chapter; _

(b) The place where the block event is to be held is considered a major thoroughfare generally including snow emergency routes, arterial streets, state and county highways, bus routes and streets controlled by semaphores unless traffic flow can be reasonably accommodated on adjacent streets.

(c) The place where the block event is to be held is under construction or is scheduled to be under construction on the date when the block event is to be held; _

(d) The place where the block event is to be held is partially barricaded because of construction on the abutting property and the construction interferes with normal traffic flow or is a safety hazard or if the location is on a detour route for either a construction project or other scheduled event such as a race, parade, etc; _

(e) The place where the block event is to be held is in such close proximity to a hospital or fire station as to unduly interfere with the quietude of patients, or the movement of ambulances or fire-fighting equipment; _

(f) The applicant, or organization on whose behalf the application is made, has within the previous eighteen (18) months violated the provisions of this chapter; _

(g) The block event would conflict with a prior scheduled event within four (4) blocks so as to substantially interrupt the safe and orderly movement of traffic; _

(h) The block event would interfere with emergency activities or maintenance operations such as snow removal or street sweeping; _

(i) There is a clear and convincing showing by an abutting business that such block event would create an undue financial hardship upon it; _

(j) There have been three (3) or more prior block events on such block within the calendar year; _

(k) The block event is scheduled to take place within one block of a polling place during the hours of voting; _

(l) The block event would constitute a commercial promotion or activity.

(m) There has been a total of at least three (3) incidents, in two (2) prior consecutive block events, as shown by a preponderance of the evidence, held within five (5) years prior to the date of the proposed block event by the applicant or the organization on whose behalf the application is made, involving any of the following, as defined by state law and/or city ordinance:

(1) Assault or indecent or disorderly conduct; _

(2) The illegal sale or distribution of alcoholic beverages; _

(3) The illegal sale or distribution of food; _

(4) A violation pertaining to noise, including the failure to obtain a permit for the use of sound amplifying equipment; ~~or~~ _

(5) A violation of any provision of this chapter.

(n) The location and dates of the proposed block event would interfere with another event that has been previously held on or about the same dates in the previous year, even if a permit has not yet been applied for or approved for the other event, where there is reason to believe the other event will be held again; or

(o) If more than one application is received for proposed block events to be held on the same date(s), including rain days, in the same location or within four (4) blocks of each other, then any of the applications may be denied based on the following considerations:

(1) Whether an applicant has previously received a permit for the same event or event dates (i.e. a recurring event).

(2) Whether an applicant has received or intends to seek other permits for block events in the area within one (1) year before or after the date of the proposed event.

(3) Whether one of the applications was approved prior to receipt of the second application for a block event permit for the same location and day(s).

Section 6. That Section 455.35 (a) and (b) of the above-entitled ordinance be amended to read as follows:

455.35. Time and place. Subject to the provisions of sections 455.25 and 455.30:

(a) For business district events the applicant is required to pay all costs for traffic control measures and traffic control personnel required by the public works or police departments. Residential area events may be required to pay those costs ~~barricades shall be provided free of charge to residential block events;~~ _

(b) Residential area: A block event may be permitted, provided:

- (1) That the block event, including set up time, is held only between the hours of 10:00 a.m. and 10:00 p.m.;
- (2) That the block event is contained on one or more contiguous blocks on the same street. Closure of multiple contiguous blocks will only be granted when the director of public works and chief of police or their designee determine that the closure will have no adverse effects on the safe function of the roadway;
- (3) That the block event is not held on any street designated as a bus route, snow emergency route, arterial street, or as a state or county highway unless traffic flow can be reasonably accommodated on adjacent streets; and
- (4) That at least a ten-foot aisle is kept unobstructed at all times to permit vehicles to enter or exit.

Section 7. That Section 455.40 of the above-entitled ordinance be amended to read as follows:

455.40. Business district insurance. Upon compliance with all other provisions of this chapter, a permit for a block event in a business district may be granted only after the applicant has filed with the ~~city clerk~~ city council staff a liability insurance policy, or evidence thereof, which policy shall provide coverage in the amount of ~~one three~~ three hundred thousand dollars ~~(\$100,000.00)~~ (\$300,000.00) for one claimant and ~~three hundred thousand~~ one million dollars ~~(\$300,000.00)~~ (\$1,000,000.00) for any number of claimants, and shall specifically provide for the payment by the insurance company on behalf of the insureds of all sums which the insureds shall become obligated to pay by reason of liability imposed upon them by law for injuries or damages to persons or properties arising out of the activities and operations of the insureds pursuant to the provisions of this chapter. The applicant and the city shall be named as joint insureds on the liability policy. The amount of any deductible for claims shall be subject to prior approval by city the and the applicant will be responsible for payment of claims that would fall within the deductible amount stated in the insurance policy obtained by applicant.

Section 8. That Section 455.41 of the above-entitled ordinance be amended to read as follows:

455.41. Bond. Upon compliance with all the other provisions of this chapter, a permit for a block event in a business district, other than one pursuant to section 455.35(c)(2), may be granted only after the applicant has filed with the ~~city clerk~~ city council staff a cash bond in the sum of five hundred dollars (\$500.00) or a certified check in like amount, conditioned as follows:

- (a) The applicant will obey the law in conducting the block event.

(b) The applicant will within the three-hour period immediately following the end of the block event clean up, remove and dispose of all litter or material of any kind which is placed or left on the street because of such block event, and should the applicant fail to do so, the bond shall be forfeited to the city.

(c) The applicant shall, through a bonafide contractor, provide, install and remove the barricades, signs and delineation equipment as directed by the director of public works, and should the applicant fail to do so, the bond shall be forfeited to the city.

If the applicant complies with the above conditions to the satisfaction of the director of public works, the bond shall be returned or balance refunded.